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HOW THE MADRAS HIGH COURT WORKS.*

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I must first explain briefly the structure of the High Court. It is divided vertically into a civil and a criminal side. Horizontally it is divided into the Original Side and the Appellate Side. For those who are unfamiliar with legal phraseology I must explain that the Original Side deals with the actual trial of cases in which evidence is recorded and the first decision is given. Thus the High Court consists of four sections. The first deals with the Original Side civil work. Anyone in the City of Madras wishing to file a suit for over Rs. 5,000 starts his action on the Original Side of the High Court and the trial of the suit takes place before one of the Judges doing Original Side work. (The City Civil Court deals with suits up to Rs. 5,000). The second section of the High Court deals with the Original Side criminal work, which consists of the Sessions cases committed for trial in the High Court after a preliminary enquiry by one of the Presidency Magistrates. The third section attends to the Appellate Side criminal work which includes the hearing of Referred Trials (*i.e.*, cases in which Sessions Judges in the mofussal have passed sentences of death, which have to be confirmed by a Bench of two Judges in the High Court) and the hearing of criminal appeals from the judgments of Sessions Judges and magistrates. Since 1943 there have also been appeals from the decisions at the High Court Sessions. The fourth section of the High Court is by far the largest and deals with the civil appellate work which includes Original Side Appeals from the decisions of the Judges sitting on the Original Side of the High Court, City Civil Court Appeals, First Appeals from judgments in suits for over Rs. 5,000 tried by District Judges and Subordinate Judges in the mofussal, Second Appeals from the judgments given by District Judges and Subordinate Judges in appeals heard by them from the decisions in suits heard mostly by District Munsiffs, Letters Patent Appeals, which are possible in certain cases from the decisions of a Judge of the High Court sitting alone, and Civil Revision Petitions which can be filed by parties against certain decisions given by mofussal judges in cases where no appeal lies. (My description of these various classes of cases is given in general terms and is not intended to be either comprehensive or quite exact).

The first point to be emphasised in connection with the administration of the High Court—and, indeed, in connection with the administration of justice throughout the province—is that the Chief Justice is the head of the judiciary and responsible to no one except His Majesty the King-Emperor, though, of course, his powers, duties and responsibilities are defined and limited by law. It is the Chief Justice who decides which Judges shall sit together and deal with the various classes of cases. Judges are after all human and certain Judges work well together and

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form a balanced Bench for, say, First Appeals or Referred Trials. For the last five years two Judges—one a European member of the I. C. S. and the other an Indian lawyer—have been sitting together. They have been a most successful combination for dealing with the many legal and practical problems which have arisen out of the Madras Agriculturists' Relief Act. There are some Judges who have specialised in criminal work. They are suitable for sitting on the Referred Trial Bench. Other Judges by reason of their temperament or previous experience at the Bar are suitable for dealing with the Original Side work which involves the hearing of evidence and controlling the examination of witnesses. Thus it is clear that the smooth and efficient disposal of the judicial work of the High Court depends to a large extent on the wisdom of the Chief Justice in choosing the Judges most suitable for each class of work. Incidentally, it is the Chief Justice who advises His Excellency the Governor with regard to the men to be recommended from the services or the legal profession to His Majesty for appointment as High Court Judges. A good lawyer will not necessarily be a good Judge and it is not always the most senior District Judge who is the most suitable for appointment to the High Court. In this respect also the Chief Justice must be a good Judge of character and ability.

However, the Chief Justice cannot personally attend to all the details of the High Court work or even decide all the important cases. Therefore while the Chief Justice is ultimately responsible for the general policy adopted in the administration of justice, he acts in consultation with the other Judges and delegates some of his functions not only to them but also to the Officers of the High Court. For example, in connection with allotment of the cases to the Judges, while the Chief Justice settles every week what is called the weekly sittings list, which sets out the class of work which each Judge will attend to during the following week, it is left to the Deputy Registrar under the directions of the Registrar to decide which particular cases will be posted each day before each Bench.

In the same way the administrative work has to be delegated by the Chief Justice to various Judges, though the Chief Justice deals with all important matters himself. One of the senior Judges, usually a member of the I.C.S., deals with the posting, transfer and promotion of District Munsiffs and Subordinate Judges, but no orders with regard to Subordinate Judges and no recommendations to Government with regard to District Judges are made without the specific approval of the Chief Justice. Indeed the selection of District Munsiffs for promotion as Subordinate Judges and of Subordinate Judges for promotion as District Judges is made only after the Chief Justice has consulted all the Judges at a Judges' meeting. One of the Judges acts as the Chief Justice's Chancellor of the Exchequer and is in charge of finance which involves the distribution of the money allotted by Government for expenditure on the administration of justice. It is part of his work to see that the staff of the mufassal Courts, particularly the establishment for serving processes and making certified copies, is neither excessive nor insufficient. This Judge also sanctions proposals by District Judges for spending money on items of expenditure, such as advertisements in newspapers, which District Judges are not empowered by Government to incur. Another Judge considers proposals for the establishment of additional Courts to dispose of arrears of work which accumulate from time to time in some Courts. Then there is a Judge who supervises the work of the Official Receivers who deal with the property of insolvents in the mofussal. Other judges are in charge of such subjects as the inspection of the Subordinate Courts and the District Munsiffs' Courts by the District Judges, the amendment of the rules which govern Court procedure and the conditions of service of the officers and staff of the mofussal Courts, alleged professional misconduct by Advocates and Pleaders, the appeals filed by clerks who have been punished or overlooked for promotion by District Judges and so forth. All these subjects are dealt with by means of files which are circulated to the Judges by the Registrar in the same way as a Secretary to Government circulates files to an Adviser or a Minister. Certain files, for example those dealing with professional misconduct,

are circulated to two or even three Judges, of whom the Chief Justice himself may be one. Normally the decision of the individual Judge or committee of Judges dealing with the file goes out as the decision of the High Court but the Chief Justice himself sees all the important files and it is one of the duties of the Registrar to see that no general principle is laid down and no important question of policy decided without the Chief Justice's approval being obtained.

Further the twenty-five Districts in the Province are distributed among the Judges for supervising the judicial work in those districts. The periodical returns showing the civil and criminal work disposed of in a district, which are submitted by the District Judges and the District Magistrates to the High Court, are placed before the Judges in charge of the district concerned. Thus it is possible for the Judge in charge of a district to watch whether cases are being disposed of promptly or whether arrears are accumulating which call for the appointment of more Judges or Magistrates in that district. The Judge in charge of a district reads all the judgments in Sessions cases from that district. All Second Appeals and Civil Revision Petitions from a district are placed before the Judge in charge of that district for admission, that is to say, for decision whether they should be dismissed forthwith or whether notice should be sent to the other side and the matter heard on its merits. This enables the Judges to watch the quality of the judicial work of the District Judges, Subordinate Judges and District Munsiffs in the districts in their charge. This is important when the Judges meet—about once a year—to decide which Subordinate Judges and District Munsiffs are fit for promotion. Obviously all the Judges cannot watch the work of all the 26 District Judges, 37 Subordinate Judges and 141 District Munsiffs in the Presidency. It is by this distribution of the districts among the Judges for supervision that the very necessary detailed scrutiny of the work of the mofussal courts by the High Court is achieved.

The Chief Justice and the Judges cannot do their judicial and administrative work without the assistance of a large staff, divided into appropriate departments, to prepare the papers for them so that the judicial and administrative decisions of the High Court can be arrived at and issued promptly. The staff of the High Court consists of seven Gazetted officers, over 300 ministerial officers and clerks and more than 200 peons and menials.

The Registrar is the chief Gazetted Officer and the other officers, except the Master and Official Referee, who have special judicial functions, are his assistants and act in his name. It is the Registrar's duty to supervise all the departments of the High Court and see that the administrative machine is working properly. He is the officer who receives directions from the Chief Justice and the Judges and it is his duty to see that those directions are carried out. In Army language he is the High Court's Adjutant and he occupies in the High Court office the position which the Chief Secretary occupies in the Secretariat. When I went to the High Court, one of the Judges told me that the Registrar was the ears, eyes and mouth of the High Court. He has to listen to anyone with a grievance or a suggestion, look into all the details of the High Court work and speak as the voice of the High Court in communicating with Government and the mofussal Courts. I might add that he is also the nose of the High Court. He must smell out any malpractices, grievances, dissatisfaction or inefficiency in the High Court itself or in the mofussal. From this it will be seen that the Registrar really has what are commonly called multifarious duties.

There are however certain definite duties assigned to the Registrar. Perhaps the most important—and certainly one of the most responsible—of his duties is the control of the High Court funds. First of all there is the money allotted in the Government Budget to the High Court for expenditure on the administration of justice in the High Court and in the mofussal Courts. Proposals are made to Government for the allotment of money for various purposes, such as the purchase of books, the repair of furniture, the payment of menials and other items of office

expenditure. When the Budget has been settled by Government, the money on these various items has to be distributed to the various Courts according to their needs. Usually the money provided is not as much as is asked for and some Courts have to be told to postpone for another year their proposals, say, for enlarging the room occupied by the local Bar Association. The Registrar has to go into all these questions and with regard to the money appropriated to the High Court for its own use, the Registrar has to see that it is wisely spent and that the Budget estimate is not exceeded. This is a matter for which the Registrar as head of the office is primarily responsible and in this respect he does not take orders from the Judges, though the Budget estimate sent to Government and the distribution of the Budget allotments to the High Court and the mofussal Courts is sanctioned by the Judge in charge of finance.

Apart from the public money allotted by Government for expenditure on the administration of justice, there are large funds in the hands of the Registrar which are not public monies, but belong to litigants and private parties. Over these funds the Government has no control and they are held by the Imperial Bank in the name of the Registrar. They amount to about fourteen lakhs in cash and thirty-three lakhs in securities. They are kept in three accounts, the Civil Courts deposits Original Side, the Civil Courts deposits Appellate Side and the Suitors' Fund account. The first two largely consist of money deposited in the High Court to satisfy decrees which have been passed or are expected to be passed and of cash and securities deposited by parties who have appealed to the Privy Council as security for the costs in the appeal to the Privy Council. Money is constantly being paid in and out of these accounts. All this is supervised personally by the Registrar, who is the only person who can operate on these accounts. The third account, the Suitors' Fund account, consists of money whose ownership is not in dispute, but which cannot be paid out because the beneficiaries are minors or for some other similar reason. As far as possible the money in this account is invested. Judicial orders are passed by the Judges with regard to the payment into, the payment out of and the investment of money in these accounts and it is the duty of the Registrar to see that the orders of the Court are correctly carried out. He is the only officer who can sign cheques and he personally initials the ledgers and day books prepared by the clerks in the Account Department for all transactions on these accounts.

Another important branch of the Registrar's work may be described as the work of Secretary to the Judicial Department. In the same way as Secretaries to Government issue the orders of Government and carry on correspondence on behalf of Government the Registrar issues the orders of the High Court and corresponds with Government, the mofussal courts, etc., on behalf of the High Court. This secretarial work is done by what is called the Administrative Department of the High Court, which works directly under the Registrar, who is assisted in the issue of routine letters, such as reminders by the Assistant Registrar. The Secretariat method of files maintained on the Tottenham system with personal registers, periodical registers and so forth is followed in the High Court. Almost all the files which go to the Judges are seen by the Registrar, who may merely initial them, make a note on them or send them back for re-writing on different lines. Among the important subjects on which files are circulated to the Judges are the posting of Judicial Officers, the amendment of rules, professional misconduct, Bills circulated for the opinion of the Hon'ble Judges by the Legislative Department, the district administration reports and budget proposals.

Talking to people, passing the accounts, and minuting on files take up the greater part of the Registrar's day. Such time as is left is spent in attending to the ordinary routine work which arises in a large office. Weekly reports are submitted to the Registrar on the out-turn of the clerks engaged on preparing cases for the Government Press who print the records in all important cases heard by the High

Court. The quality of the translation work of the acting Translators has to be examined and the unsatisfactory men weeded out. The Registrar is in control of the establishment, and grants leave to the clerks and transfers them from one department to another. He makes the promotions except in the higher categories and with regard to those he makes recommendations to the Chief Justice. He also takes disciplinary action, if necessary, against the clerks. The High Court clerks are recruited by the Registrar and not by the Public Service Commission. In connection with the Court work the Registrar obtains the orders of the Chief Justice with regard to the sittings list and the posting of important cases. He allots the briefs to the Advocates in the Referred Trial panel who defend persons who do not engage a lawyer to appear for them when their cases come up for confirmation of the sentence of death passed on them by the mofussal Sessions Judges. He sanctions the fees payable to these Advocates. He is responsible for keeping the books in the High Court Library up to date. In connection with the enrolment of Advocates, he has to see that the candidates are qualified and that they sign the roll of Advocates in the Chief Justice's Court. The Registrar is also Honorary Secretary of the Law Reporting Council which supervises the publication of the Madras Series of the Indian Law Reports.

The chief assistant of the Registrar is the Deputy Registrar. His work is largely of a judicial character and he does much of the work which the Registrar did before the High Court grew as large as it is to-day with sixteen Judges. He is concerned only with the Appellate Side. When appeal petitions are presented which are defective in some respect—for example, the names of the parties are not correct or the court-fee paid is insufficient—the Appeal Examiners note on the petitions what the defects are and the Deputy Registrar looks into the papers and signs the endorsements returning the petitions. If the appeal petitions are in order the Deputy Registrar admits them and directs the issue of notice to the respondents, except that in Second Appeals and Civil Revision Petitions the papers are circulated to the Judge in charge of the district concerned and the Judge decides whether to admit these cases forthwith or whether to have them posted in Court for hearing the Advocate for the appellant or revision petitioner on the question whether the cases should be admitted or dismissed without the issue of notice to the respondents. About 2,000 Second Appeals and nearly as many Civil Revision Petitions are filed every year and a considerable amount of judicial time is saved by having them dealt with by the Judges in the first instance as these cases can only succeed if the lower Courts have gone wrong on a point of law or have acted without jurisdiction. The Deputy Registrar also holds Court two or three times a week and deals with miscellaneous petitions for further time to point out portions of the record which parties wish to have printed, for further time to pay bills for printing charges, for appointment of guardians *ad litem* of minors, for the addition of the names of the legal representatives of deceased appellants and so forth. These are routine judicial matters on which it is unnecessary that the Judges should spend their time. If any matter is contested the Deputy Registrar has it posted before the appropriate Judge in Court. The Deputy Registrar is also in direct control of the Bench Clerks Department. After the Judges have pronounced judgment in Court a formal judgment and a decree setting out the Court's decision are drawn up in the Bench Clerks Department. These are scrutinized by the Deputy Registrar and signed by him. The Deputy Registrar arranges the daily lists of cases to be heard by the Judges under the supervision of the Registrar in accordance with the weekly sittings list. On the administrative side the Deputy Registrar has statements submitted to him so that he can see that there are no delays in the Bench Clerks Department in the preparation of decrees and in the Notice Section in the issue of notices to respondents in appeals. He also helps the Registrar in supervising the Accounts Section,—for example by checking up the items included in the contingent bills put up to the Registrar for signature and by having the vouchers cancelled. By reason of his close contact with the Appeal Examiners Section, the Bench Clerks Department, the Notice Section and the Posting Section he is able to give good

advice to the Registrar about the fitness of the clerks in those sections for promotion and so forth. He makes the appointments of peons and other menial servants and they are under his disciplinary control.

The only other Gazetted Officer on the Appellate Side is the Assistant Registrar, who is usually a junior officer. Briefly, his work is to help the Registrar and the Deputy Registrar in the less important judicial and administrative matters on the Appellate Side. He submits routine papers, such as mofussal Sessions judgments and judgments for reporting, to the Judges for their perusal and remarks. He passes the draft orders in simple cases, *e.g.*, the addition of legal representatives and the appointment of guardians. He signs the decrees and formal judgments in cases where the appeals are dismissed. He also holds Court two or three times a week and deals with simple miscellaneous petitions for short extensions of time, for pointing out portions of the record to be printed or for paying printing bills. One of his most important duties is dealing with the correspondence received in the High Court. The "tappal clerk," as he is called, sits in his room opening the letters and sending them to the proper departments. He also checks the accounts of the remittances to the bank before they are taken to the Registrar for signature. He attends to routine correspondence such as the issue of reminders and calling for further information before files are submitted to the Registrar. The quarterly returns from the districts showing the criminal and civil cases instituted, disposed of and pending and the notes of the District Judges' inspections of the Courts in their districts are put up by him to the Judges concerned unless, of course there is some special feature in the returns or the inspection notes which calls for the Registrar's personal attention. He is also in charge of the stationery and sees to the issue of it to the various departments.

The other four Gazetted Officers of the High Court work on the Original Side. Of these the Master, who ranks next to the Registrar, and the Official Referee do only judicial work. The Master is the Deputy of the Original Side Judges and does much of the preliminary and routine judicial work that would otherwise occupy much of the Judges' time. It is not possible to enumerate all his duties, but I will give some examples. He passes the decrees in cases where the defendant has not obtained leave to defend. He settles the issues in contested cases. He disposes of contested applications for execution and for the payment out of money deposited in Court in satisfaction of decrees. He passes orders on applications for leave to sue as a pauper, and is the Taxing Officer of the Court. On the Insolvency Side he passes adjudication orders in petitions presented by the debtors themselves, passes protection orders, issues warrants against defaulting insolvents on applications made by the Official Assignee and deals with applications by creditors for unclaimed dividends. The Master has the power to refer to the Judge concerned any matter which he considers it proper that the Judge should decide. Any party affected by an order of the Master can have the matter referred to the Judge.

The Official Referee is a Commissioner of the Court. When a decree has been passed by a Judge sitting on the Original Side in a suit for partition or for accounts, which requires to be worked out in detail before the dispute between the parties is finally settled, the matter is referred to the Official Referee, who after taking evidence makes a report to the Court. The Judge then passes final orders in the matter. The Official Referee does not give judicial decisions on legal questions but goes into the facts after the Judge has decided the rights of the parties in general in order to save the Judges from spending a lot of time over petty details. The Official Referee also holds sales of property in execution of decrees passed on the Original Side of the High Court.

The other two Officers of the High Court are the First and Second Assistant Registrars. They are in charge of the Original Side of the Court and do no Appellate Side work. The senior of the two, the First Assistant Registrar, is also the clerk of the Crown, which means that he is in charge of the Original Side criminal work

and the trial of Sessions cases in the High Court. Every year he prepares the Jury list on receipt of a report from the Sheriff. He issues to the Sheriff the precept signed by the Chief Justice to summon the requisite number of jurors for the next Sessions. He sits in Court during the trial of Sessions cases, reads out the charges to the accused and records their pleas. The First and Second Assistant Registrars divide the civil work on the Original Side between them. The First Assistant Registrar settles the daily cause list, attends to account matters and is in control of the Original Side Establishment. On the judicial side he passes orders on uncontested Execution Petitions, settles sale proclamations, has charge of the taxation work and undertakes the public examination of insolvents. The Second Assistant Registrar is in charge of the Original Side record room, signs decrees, sale proclamations, and so forth and on the judicial side he has the responsible work of passing the accounts of guardians, receivers, trustees and Official Liquidators and of testing security offered to the Court.

Now that I have dealt with the work which the Judges do and the duties which are assigned to the Officers of the Court, I will explain how the High Court office is organised. On the Original Side there is the office of the Clerk of the Crown, which attends to the preparation and publication of the jury list and to other work in connection with the trial of Sessions cases in the High Court. Attached to the Original Side there is also the Interpreters' office. This is in charge of a Chief Interpreter who is responsible for seeing that the Interpreters are sent to the Courts where they are required. The Chief Interpreter knows both Tamil and Telugu, as do the two junior Interpreters. There is a Gujarathi Interpreter for use in cases filed by Marwaris on their accounts which are kept in Gujarathi. There is also a Hindustani Interpreter. All the Interpreters are appointed as Commissioners for Oaths by the Chief Justice and when they are not in Court they spend much of the day explaining affidavits to parties and getting them to swear to them. Almost every petition filed in the High Court is supported by an affidavit in which the facts as alleged by the petitioner are set out. The other side usually files a counter-affidavit, to which the petitioner often files a reply affidavit. Therefore it is greatly to the convenience of the litigants to have in the High Court office persons before whom affidavits can be sworn. The Interpreters do this work. The Master and the Official Referee have attached to them clerks who attend to their Court work and these form part of the Original Side office.

Apart from these small excrescences, the Original Side office consists of two parts, the Original Side proper and the Insolvency Office. The latter is naturally the smaller and is in charge of a Manager. As the name implies, this office deals with all the work arising out of insolvency petitions filed by bankrupts or their creditors. Its work is comparatively simple and consists of keeping registers showing what has happened in the insolvency petitions and of taking proper care of the records in insolvency petitions. It has its own separate record room.

The Original Side office proper is in charge of a Manager. Here again the main work is keeping registers which show clearly and accurately the various proceedings taken on the Original Side. The Court work is in the hands of two Original Side Bench Clerks who are recruited direct from the Bar. The preparation of decrees and orders is attended to by the Original Side Decree Clerk who ranks as a Bench Clerk. The custody and preservation of records are the responsibility of the Original Side Record-keeper. Plaints, written statements, issues, judgments and decrees are kept permanently, but there are a number of other papers which after some years have no real value and these have to be destroyed. To simplify the destruction work it is necessary to maintain an index of the papers in each case. This index is opened as soon as the case is filed and each paper added to the record is numbered and indexed as it is added. When the case is over the papers are divided into three parts, according to the length of time for which they have to be preserved. Then in the course of time they are destroyed.

The Appellate Side is divided into a number of departments and sections whose work has to be co-ordinated by skilful supervision on the part of the heads of sections and the Officers in charge of them. The main division of the Appellate Side is between the Administrative Department and the Judicial Department. Each of these is in charge of a Sub-Assistant Registrar, the highest non-gazetted post in the High Court Service. To put it as briefly as possible, the Judicial Department is concerned with the daily work of the Appellate Side Judges sitting in the High Court while the Administrative Department is concerned with the administration of justice in general, both in the High Court and in the mofussal.

The Administrative Department consists of four sections—the Accounts, Correspondence, Statistics and Budget Sections. They are each in charge of a Head Clerk, though the head of the Accounts Section is called the Head Accountant. The Accounts Section deals with the monetary transactions of the High Court, including the payment of salaries. Until recently only the Suitors' Fund Account was audited by the Examiner of Local Fund Accounts, but now the other important accounts are audited by the Accountant-General and the minor accounts are examined every summer vacation by one of the Vacation Officers.

The work of the other three sections is broadly described by their designations, but in actual practice it is not possible to keep the sections in watertight compartments. They form the Secretariat of the High Court. The Correspondence Section includes amongst its subjects, the posting and promotion of Judicial Officers, the amendment of rules, and most correspondence of a general nature with Government and the lower Courts. To this section is also attached the High Court Librarian. Incidentally, there are two clerks employed in the High Court Library solely on the work of keeping the copies of the Acts of the Central and Provincial Legislatures up to date. As the amendments of the Acts are received it is the duty of these clerks to carry out the corrections in the copies of the Acts kept in the Library and the Courts and note the numbers of the amending Acts in the margin. It is only by this means that the Judges are able to see at a glance not only how the statute law stands at present, but how it stood on any date in the past. The Librarian is of course responsible also for seeing the new editions of important law books are purchased as soon as they are published.

The Statistics Section deals mainly with the returns submitted quarterly and annually by the mofussal civil and criminal Courts with regard to the number of cases instituted, disposed of and pending. From these figures it can be seen whether any Court is falling into arrears and needs relief and whether any officer is not doing a proper amount of work. Annual reports on the administration of civil and criminal justice are submitted to the Government and these are prepared in this section. It also deals with the enrolment of Advocates and allegations of professional misconduct by Advocates and mofussal pleaders. One clerk in the section attends to the distribution of stationery among the departments of the High Court and sends the consolidated indent for stationery required by the lower Courts to the Superintendent of Stationery. All these subjects involve a certain amount of correspondence but the letters are drafted by the section itself and not by the Correspondence Section. At the end of every year this section also prepares the index of the files disposed of during the year. In consequence it attends to matters connected with the Administrative Record Room of the High Court, in which are kept the disposed of files. These files are arranged and docketted in accordance with the Tottenham system and marked for permanent retention or for destruction after one, five or fifteen years.

The Budget section deals with the finances of the Judicial Department. In addition to the preparation of the budget estimates and the control of the expenditure of the lower Courts, this section deals with proposals for establishing additional Courts and with the expenditure of money by the High Court. It also attends to the letting of the Law Chambers in the High Court Buildings to Advocates.

Attached to the Administrative Department and under the general supervision of the Sub-Assistant Registrar of that Department is the Current Section, which does the typing and despatch work of the whole High Court, though some typists are attached to the Original Side for the sake of convenience. This section makes the fair copies of the letters sent out by the High Court and of the judgments and decrees pronounced by the Judges. It then sees to their signature by the proper officer and to their despatch. In the case of appellate judgments and orders this section has to obtain from what is called the Vernacular Record Room the original records which have been sent up to the High Court by the lower Courts and return them to the proper Courts. The Current Section, of course, receives these bundles of records already tied up and is merely responsible for seeing that they are despatched along with the orders of the High Court in appeal.

The best way to describe the work of the Judicial Department is to explain what happens to the papers in a case from the time the Advocate presents the appeal in the High Court until the case is finally disposed of. After an Advocate has received instructions from a party who is dissatisfied with a decision of a lower Court, he prepares an appeal memorandum setting out the grounds for appealing. He then presents the appeal memorandum with court-fee stamps of the proper value affixed at the Appeal Examiners' Section in the High Court. With the appeal memorandum he has to file as many copies of it as there are respondents in the appeal, copies of the judgment and decree of the lower Court, a form setting out the names and addresses of the respondents who have to receive notice of the appeal and a receipt from the Head Accountant of the High Court to show that he has paid a sum, which varies according to the class of case, for having the essential papers printed. The form giving particulars of the respondents has to have court-fee stamps affixed to it to meet the process fees prescribed for serving notice of the appeal on the other side. The Appeal Examiners receive these papers, number the bundle with automatic numbering stamp and enter the particulars of the papers received in a register against the number with which the bundle was stamped on receipt. The next step is to examine the papers carefully to see whether they are in order—whether, for example, the court-fee payable has been correctly calculated in accordance with the Court-Fees Act, whether all the papers which should accompany the appeal memorandum have been filed, whether the particulars of the respondents are sufficiently clear for notices to be served on them and so forth. This examination work is very important and is done by Appeal Examiners who are almost invariably graduates in law. If there are any defects or omissions in the papers filed, the Appeal Examiners note these on the appeal memorandum and the Deputy Registrar returns all the papers to the Advocate concerned for re-presentation within a certain number of days. When the Appeal Examiners are satisfied that everything is in order, the case is formally taken on file and given a number. The papers are then sent to the filing section, where there are separate clerks for attending to each class of cases. Every day a list of appeals filed is put up on the notice-board. The filing clerks enter particulars of these cases in a register which eventually shows the whole history of the case including the result and the Judges who disposed of it.

The next stage is the admission of the appeal. For this purpose the papers are sent to the Deputy Registrar who either admits the appeal or has it posted before Court or if it is a Second Appeal or Civil Revision Petition circulates the papers for orders to the Judge in charge of the district concerned. After the admission of the appeal, the papers are sent to the Notice Section for the issue of notices to the respondents. The filing clerks also call for the original records from the lower Courts. It is the duty of the filing clerks to watch whether these records are received. On receipt the records go to the Vernacular Record Room where they are checked to see if they are complete according to the index of papers in the case. Therefore the filing clerks go daily to the Vernacular Record Room to see what records have been received the previous day. If records have not been received within three weeks after they have been called for, a reminder goes to the lower Court. If they

are still not received after a further two weeks, a second reminder is issued. If after a further two weeks the records have not arrived a demi-official letter is sent to the Judge presiding over the lower Court calling his personal attention to the delay. These reminders are issued by the filing clerks.

Meantime the notice clerks are attending to the service of notices on the respondents. These notices are sent to the mofussal Courts for service through their process-servers. If however the respondents live in the City of Madras the notices are sent to the Sheriff of Madras for service through his bailiffs. If a respondent cannot be found the notice is returned to the High Court unserved and every day a list of unserved notices is put up on the High Court notice-board with the reason for non-service of the notice. The Advocate for the appellant then has to file a fresh notice with a further process fee within 15 days. The dates on which the respondents are served are noted in the filing clerk's register and when all the respondents in a case have been served it is said to be "ready in notice."

The next stage is the preparation of the record for the Court. In most cases the record is printed, but in recent years there have been 16 Judges working and the Government Press has not been able to print the cases as quickly as 16 Judges dispose of them. Therefore in small cases the parties are encouraged to supply the Court with typed copies of the record, but that is not the normal procedure. Moreover, to save paper, printing in what is called Privy Council form has been given up in the big cases. Formerly in cases where the value of the subject-matter in dispute was over Rs. 10,000 printing was always done in Privy Council form in case there was an appeal to His Majesty in Council. This involved very careful printing work and galley proofs and form proofs were sent to the High Court for proof reading in the Privy Council Section of the Translation and Printing Department. Moreover 55 extra copies were printed for use by the Privy Council. It was found that quite a number of these cases never went to the Privy Council and for the duration of the war no cases are being printed in Privy Council form until an appeal to the Privy Council is actually filed. Such careful printing in Privy Council form is of course necessary because the original records are not sent to London. In the High Court the original records are available for reference in case there is any mistake in copying or printing.

Not the entire record is printed. In most cases the parties only want some of the oral evidence and a selection of the documents filed in the lower Court to be printed for the use of the Judges in the High Court. The judgment of the lower Court is filed with the memorandum of appeal. It is compulsory to print the plaint and written statement filed in the lower Court so that the Judges can know what the pleadings of the parties were. When the records have been received from the lower Court the Advocates appearing for the parties are called upon to point out the portions of the record which they want translated and printed. For this purpose the records are sent to the Translation and Printing Department. When the portions required have been pointed out, the billing clerks estimate as accurately as possible what the cost of translating and printing them will amount to. If this exceeds the deposit paid by the appellant in the first instance at the time of filing the appeal, he is required to pay the further sum due. The respondent has of course to point out any portion of the record on which he relies and which the appellant has not asked to be printed and he is given a bill for printing that portion. The bills have to be paid within 25 days, though the parties can for good reasons get an extension of time to pay the bills by filing petitions before the Deputy Registrar but this costs them certain fees. The parties are entitled to one free copy of the portions which they ask to be printed, but they have to pay for extra copies and for copies of the portions pointed out by the other side.

When the portions to be printed have been pointed out those parts of the record which are in English are sent to the Press Copyists' Section for typed copies to be made. These copies are sent to the Press and not the original documents, which after copying are sent back to the Vernacular Record Room. The Press Copyists'

Section is part of the Translation and Printing Department and is in charge of a Superintendent. The Press Copyists provide their own typewriters and are paid on a piece work basis. It is remarkable how much they can type in a day. Their copies are compared by Readers and Examiners who are usually junior clerks. Those portions of the record which are not in English are sent to the Translators for translation into English. At the present time nearly forty Translators in Tamil, Telugu, Malayalam and Kanarese are employed in the High Court. There are two Superintendents of Translators to distribute the work and check the translations.

When the copies have been made by the Press Copyists and the translations by the Translators, these are sent to the Press Clerks. It is their duty to see that all the records which the parties require to be translated and printed are included in the bundle which they then arrange and index and send to the Government Press. In actual practice the process of preparing the papers for the press is not so simple. Advocates frequently fail to point out the portions they want printed and fail to pay the printing bills in time. Parties die and legal representatives have to be added and they in their turn have to be given an opportunity of having the record printed.

When however the record has been completely printed and all the parties to the case have been served with notices, the case is ready. A list of ready cases is put up on the notice-board daily and parties then purchase the printed papers. When first appeals have been on the ready board for 14 days and other cases for 7 days, they are added to what is called the rough list. From the cases in the rough list the fair list of cases to be heard the following day is selected by the Deputy Registrar. The rough lists and the daily cause lists are maintained by the Chief Posting Clerk.

As soon as cases are put into the ready list, the Vernacular Record Keeper checks the original records to see that they are complete and in order. When the daily cause list is made up the Vernacular Record Keeper has to send the records to the Bench Clerks Department so that they can be taken to the Court for reference by the Advocates and Judges if necessary. The cases taken from the rough list are usually the oldest cases of their class, though some cases are taken up out of turn because it is necessary to expedite the hearing of them. The cases for hearing the next day are selected only in the afternoon when the Deputy Registrar has seen how far the Judges have proceeded with the cases already posted before them. It is therefore essential that the Vernacular Record Keeper should have the original records ready to send to the Courts without delay. The daily cause lists are printed every afternoon by a section of the Government Press working in the High Court Buildings, and these lists are distributed by contractors the same evening to the Advocates—about 400 of them—who subscribe for them. By this means the Advocates know which of their cases will be taken up the following day.

At the actual hearing of the cases in Court, the Bench Clerks have custody of the papers—the printed papers and the original records. They arrange to have the law reports ready for the Judges' reference. They are responsible for the law books kept in the almirahs in the Courts allotted to them. Judgments are always pronounced in open Court—usually as soon as the arguments on both sides are finished. The judgments are taken down by short-hand writers, who form a section of the High Court office and work under the supervision of a Manager. If a Judge reserves judgment a short-hand writer goes to the Judge's house to take down the judgment and after it has been transcribed the judgment is read by the Judge in Court. The result of each case is noted by the Bench Clerk in the daily cause list.

The next stage is the preparation of the formal judgment and decree. This is done in the Bench Clerks Department which is in charge of a Manager. Some Bench Clerks work in the Courts while others attend to the work of preparing the decrees on the basis of the judgments. There are also clerks who are called drafters

to attend to the easier cases and do routine work. At the time of putting up the formal judgment and decree to the Deputy Registrar for his signature, the Bench Clerk has to note on it whether an extra copy of the judgment should be typed for the Law Reporters. This is always done in important or unusual cases. There is the Government publication, the Indian Law Reports, Madras Series, which is in charge of the Editor assisted by three Reporters, who work in the High Court, but not under the Registrar. There are also non-official publications such as the Madras Law Journal. Before any judgment is reported in any of these publications the permission of the Judges concerned is obtained.

When the formal judgment and decree have been approved by the Deputy Registrar or Assistant Registrar, copies are made in the Current Section and sent to the lower Courts with the original records from the Vernacular Record Room. The printed papers, with the original judgment signed by the Judges and the draft formal judgment and decree are sent to the English Record Room where they are retained for future reference. It is from the English Record Room that the High Court Judgments are obtained for granting copies to the parties. These are certified copies made on copy stamp papers by what is called the Stamp Copyists Department.

The procedure which I have described applies to civil appeals. The procedure in criminal cases heard on the Appellate Side of the High Court is similar but simpler and all the work, except the translation and copying is done in a special section called the criminal section.

It has not been possible, even in a lecture of this length to enter into all the details of the administration of the High Court or to explain how all the interesting administrative problems, such as the co-ordination of the work of the various sections, are solved so that unnecessary delays may be avoided. As the present Chief Justice, the Hon'ble Sir Lionel Leach, emphasised in a recent speech, "Justice delayed is often Justice denied." It is easy in an office of the size and complexity of the High Court for delays to occur without any particular person being really to blame, but if that watchword is always kept in mind and common sense is applied to each problem as it arises there is no reason why the administration of Justice in the High Court should not proceed smoothly and efficiently. In fact, if I may be allowed to make what is possibly a dangerous generalisation, all problems of public administration can be solved without much difficulty merely by the application of common sense. That at any rate has been my experience in the High Court.